

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MAACO ENTERPRISES, INC.	:	CIVIL ACTION NO.: 02-4012
381 Brooks Road	:	
King of Prussia, PA 19406	:	
	:	
vs.	:	
	:	
	:	
ELISA M. CARRERA DEL MORAL and	:	
LA GRAN MAQUINA, INC.	:	
RD #2, Kilometer 165.2	:	
Hormigueros, PR 00660	:	

**PLAINTIFF MAACO ENTERPRISES, INC.'S OPPOSITION
TO ELISA M. CARRERA DEL MORAL'S MOTION TO DISMISS**

Plaintiff Maaco Enterprises, Inc. ("Maaco"), by and through its undersigned attorneys, responds to defendant Elisa M. Carrera Del Moral's ("Del Moral") Motion to Dismiss as follows:

1. Denied. It is denied that service of a copy of the Complaint on defendant Del Moral's brother and business partner, Julio Carrera, failed to constitute proper service on defendant Del Moral under Pennsylvania law and the Federal Rules of Civil Procedure.
2. Denied. It is denied that the summons expired. The summons is valid 120 days from its issuance date of June 21, 2002, which ran on October 19, 2002. Because, however, October 19, 2002 was a Saturday, the summons did not lapse until October 21, 2002, the day defendant was served. Fed.R.Civ.P. 6.
3. Denied. It is denied that plaintiff failed to serve defendant Del Moral within the 120 day time limit.

WHEREFORE, plaintiff Maaco Enterprises, Inc. respectfully requests that defendant Del Moral's Motion be denied and that judgment be entered against defendant in accordance with the relief sought by Maaco, together with such other further relief as the Court may deem proper.

WIGGIN & DANA LLP
Joseph Schumacher
Christina K. Peterson
Quaker Park
1001 Hector Street
Conshohocken, PA 19428
(610) 834-2400
Attorneys for Plaintiff Maaco
Enterprises, Inc.

Dated: January 9, 2003